

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

	)	Case No. 13-2138 SC
	)	
NIKOLE GROVE, et al.,	)	<u>ORDER GRANTING MOTION TO STAY</u>
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ORGANON USA, INC.; ORGANON	)	
PHARMACEUTICAL USA, INC.;	)	
ORGANON INTERNATIONAL, INC.;	)	
ORGANON BIOSCIENCES NV; AKZO	)	
NOBEL NV; SCHERING-PLOUGH	)	
CORPORATION; MERCK & COMPANY,	)	
INC.; MCKESSON CORPORATION; and	)	
DOES 1-100,	)	
	)	
Defendants.	)	
	)	
	)	

Now before the Court is the above-captioned Defendants' motion to stay this case pending the Judicial Panel on Multidistrict Litigation's ("JPML") determination regarding the transfer of this case to MDL No. 1964 in the Eastern District of Missouri (the "NuvaRing MDL"). ECF No. 13 ("Mot. to Stay"). The motion is fully briefed,<sup>1</sup> as is Plaintiffs' motion to remand,<sup>2</sup> which is now

<sup>1</sup> ECF Nos. 17 ("Opp'n to Mot. to Stay"), 18 ("Reply ISO Mot. to Stay").  
<sup>2</sup> ECF Nos. 16 ("Mot. to Remand"), 20 ("Opp'n to Mot. to Remand"), 22 ("Reply ISO Mot. to Remand").

1 scheduled for a hearing on July 19, 2013. The Court finds  
2 Defendants' motion to stay appropriate for decision without oral  
3 argument per Civil Local Rule 7-1(b). As explained below, the  
4 Court GRANTS Defendants' motion and STAYS this case, including its  
5 consideration of Plaintiffs' motion to remand, pending the JPML's  
6 determination of whether this case should be transferred to the  
7 NuvaRing MDL.

8 In determining whether a stay is appropriate, the Court must  
9 consider the particular circumstances and competing interests  
10 involved, and should consider:

11 (1) the interest of the plaintiffs in proceeding  
12 expeditiously with this litigation or any particular  
13 aspect of it, and the potential prejudice to  
14 plaintiffs of a delay; (2) the burden which any  
15 particular aspect of the proceedings may impose on  
16 defendants; (3) the convenience of the court in the  
17 management of its cases, and the efficient use of  
judicial resources; (4) the interests of persons not  
parties to the civil litigation; and (5) the interest  
of the public in the pending civil and criminal  
litigation.

18 Keating v. Office of Thrift Supervision, 45 F.3d 322, 325 (9th Cir.  
19 1995). It is within the Court's discretion to grant or deny a stay  
20 after weighing these factors. Id.

21 The Court finds that all of these factors favor staying this  
22 case. First, a stay will not prejudice Plaintiffs, since it will  
23 probably be short: the JPML is already considering whether to  
24 transfer the case. Further, the benefits of having a single judge  
25 (Judge Sippel, who oversees the NuvaRing MDL) hear the motion to  
26 remand alongside all others like it will outweigh any delays.  
27 Second, the stay will impose no burden on Defendants, since they  
28 requested it. Third, staying the case promotes judicial economy

1 and uniform decision-making, because the motion to remand in this  
2 case raises issues identical to those raised in the numerous other  
3 cases against Defendants in this district. Moreover, several other  
4 cases involving the same causes of action and jurisdictional  
5 questions have already been stayed in this Court and elsewhere.  
6 Having a single judge oversee all of these cases encourages  
7 efficiency and uniform decision-making. Finally, staying the case  
8 is not inconsistent with or burdensome for the interests of non-  
9 parties or the general public.

10 This reasoning is consistent with recent decisions by Judges  
11 Hamilton and Armstrong to stay cases pending transfers to the  
12 NuvaRing MDL. See Tucker v. Organon, No. 13-cv-0728 SBA; Burton v.  
13 Organon, No. 13-cv-01535 PJH; Gonzales v. Organon, No. 12-cv-6161  
14 PJH. Judge Wilken stayed a similar case without issuing an order.  
15 See Wilson v. Organon, 13-cv-0705 CW. The District Courts in  
16 Central District of California have stayed eight similar actions.  
17 See Reply ISO Mot. to Stay at 1 n.1 (citing the Central District's  
18 orders).

19 Plaintiffs urge the Court to rule on their motion to remand  
20 before considering the motion to stay. See Opp'n to Mot. to Stay  
21 at 2 (citing Meyers v. Bayer A.G., 143 F. Supp. 2d 1044, 1049 (E.D.  
22 Wis. 2001)). The Court declines to do so. It is obvious to the  
23 Court that it can consider a motion to stay before a motion to  
24 remand, and that the benefits of having so many almost-identical  
25 motions to remand decided by a single judge (if the cases are  
26 transferred) far outweigh risking an array of conflicting opinions.  
27 This Court's recent decisions support this conclusion. None of  
28 Plaintiffs' arguments otherwise are compelling: the Court will not

1 apply other courts' law on this matter, nor will the Court find  
2 that Plaintiffs have shown any past or future prejudice resulting  
3 from waiting a little longer for their motion's disposition. (It  
4 is, after all, not set for a hearing until late July, the same time  
5 the JPML will consider Plaintiffs' objection to its conditional  
6 transfer order.)

7 Accordingly, this case and the Court's determination of  
8 Plaintiffs' motion to remand are STAYED pending the JPML's decision  
9 on transferring the case.

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11 IT IS SO ORDERED.

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13 Dated: June 27, 2013

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UNITED STATES DISTRICT JUDGE

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